

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7575**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AUDLEY CASANOVA,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. Frank W. Bullock, Jr., District Judge. (CR-95-108, CA-01-1059-1)

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Submitted: December 19, 2002

Decided: January 9, 2003

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Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Audley Casanova, Appellant Pro Se. Clifton Thomas Barrett, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Audley Casanova was convicted by a jury of possession with intent to distribute crack cocaine and received a 210-month sentence. Casanova seeks to appeal the criminal judgment entered against him on January 9, 1996. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In criminal cases, the defendant must file his notice of appeal within ten days of the entry of judgment. Fed. R. App. P. 4(b)(1)(A). The criminal judgment in this case was entered on January 9, 1996. The earliest Casanova's notice of appeal could be deemed filed is October 2, 2002, the date written on his notice of appeal. Clearly, the notice of appeal was filed well beyond the ten-day appeal period. We therefore dismiss this appeal for lack of jurisdiction. We further note that this is Casanova's second appeal of the same judgment. This Court previously affirmed the judgment on the merits. See United States v. Casanova, No. 96-4051, 1999 WL 2522 (4th Cir. Jan. 5, 1999) (unpublished). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED